

REMARKS/ARGUMENTS

Claims 27-33 are pending. New claims 34-38 are introduced. Support for the new claims can be found with reference to page 7, page 11, page 17, page 30, and corresponding figures in the application as-filed.

GREGORY 6,490,567 FAILS TO SHOW ALL ELEMENTS OF CLAIM 27

The Examiner rejected Claims 27 through 33 under 35 U.S.C. 103 (a) as being unpatentable over Gregory 6,490,567 ("Gregory") in view of DiAngelo 6,101,482 ("DiAngelo").

Claim 27 recites providing one website hosted on at least one server, wherein the website sells products to the consumers from the plurality of vendors, wherein the MV-SD includes at least one database with detailed product descriptions sufficient to make a purchase for products from the plurality of vendors. Claim 27 also recites providing a universal shopping cart for a consumer to add items to purchase from different vendors, wherein said one website allows consumers to buy products from multiple vendors without having to leave the one website to view detailed product information from different vendors and without having to enter another vendor website to add products from different vendors into the universal shopping cart. Claim 27 further recites that the one website has a checkout process enabling the consumer to submit one order containing products from multiple vendors and placed in said universal shopping cart, wherein the MV-ICS has logic that takes said one order and communicates information to the vendors about any items in the one order purchased from that vendor, the amount of the purchase, and any shipping information. Applicant submits that Gregory fails to shown all features claimed in the present application.

Specifically, as the Examiner has stated in the present Office Action, Gregory fails to disclose a universal shopping cart. Gregory further fails to show additional elements of the claimed invention. By way of example and not limitation, Gregory also fails to show one website that allows consumers to buy products from multiple vendors without having to leave the one website to view detailed product information from different vendors and without having to enter another vendor website to add products from different vendors into the universal shopping cart. The language cited by the Examiner in Gregory (Col. 2, lines 28-31) states that the merchant profiles only contain summaries of the products offered for sale by each merchant. Gregory does not show

or suggest being able to add products to the a shopping cart without first going to the Merchant Server (see Figure 13 and corresponding text). Specifically, Gregory states that while browsing or searching the merchant content server, the purchaser may select one or more products for purchase. When the purchaser indicates he is ready to effectuate such a transaction, data concerning the selected product or products is then sent to the commerce server (Col. 2, lines 56-61). As stated in Gregory, merchant content servers are simpler, easier to operate, and less expensive than the full-functioned servers (Col. 3, lines 4-6) and neither the merchant nor the provider would be burdened with tasks outside their respective areas of expertise (Col. 2, lines 16-20).

Applicants further present the following points:

#1: On sheet 9 of 9 showing Fig. 13 of Gregory, as stated in Col. 3 Line 50, this figure is clearly shown only on the Merchant Content Server. Specifically, Applicants believe that this is the only way shown or suggested by Gregory that a purchaser can purchase a product and it is via the Merchant Content Server. There is no way in Gregory to add a product to a cart except through the Merchant Content Server. The "Buy This" is roughly equivalent to Select this Item To Buy and the "Make Purchases" is roughly equivalent to "Pass the Selected Item(s) from this Merchant onto the Buying Process".

#2: As stated in Column 8, Lines 36 - 39, the purpose of the Remote Content Server (that the consumer MUST access to Select Items to Buy and to Pass the Selected Items(s) onto the Buying Process) is to create a standard SINGLE MERCHANT Store experience (i.e., "such stores are well known in the art"). As it further says in Column 8, Lines 39 - 52, the potential purchaser continuously interacts with this single merchant store until they are ready to hit the "Buy This" button. The act of doing this merely marks this product as part of a desired future electronic transaction. It is strongly implied in Gregory that there is no communication to the commerce server at the point of hitting the Buy This button. The implication is that in order for the invention to work (and for the user to see any acknowledgement of their action) that the Merchant Content Server would have to maintain a database holding the list of products that the purchasers is interested in ultimately buying when they click the Make Purchases button. Gregory seems to imply a two-step process where the Merchant Content Server is holding the list of products to order in a Merchant-

Side "cart" until the Make Purchases button is clicked. In essence, Gregory teaches that each Merchant Content Server is maintaining its own cart.

#3: As stated in Column 8, Lines 53 - 67, the actual electronic commerce transaction (and transmission of the order data to the Commerce Server) does not occur until the user is "finished shopping" and clicks the Make Purchases button. The implication is that this must be initiated on an individual merchant content server's online store and that it will relate only to the products marked for future purchase from that Single Merchant. So, it is very clear that there is no multi-merchant checkout via a single checkout process, nor is there any thought in Gregory of having the Buy This or Make Purchases button live on the commerce server or be shown via the commerce server interface. In fact, Gregory teaches against this because it wants to have the detailed product data distributed on the merchants' sites and only minimal abstracts held at the centralized commerce server as stated on Column 11, Lines 25 - 37.

#4: As stated in Column 11, Line 2, Gregory requires "at least one merchant content server" to contain the detailed product content information of one or more merchants. Not only is this remote content server required for access by the commerce server (essentially in the background via data packets passed between the two) but it is also required, as stated in Column 11, Lines 50 - 55, that the potential purchaser actually leave the commerce server and go to the content server to select items to buy and to initiate the buying process. This "Link-Off" to a Merchant Store as part of the Gregory invention is one of the key requirements and there is no aspect of the Gregory invention that implies it would be easy or obvious to remove this step. In fact, it seems clear that if this were an obvious step, then Gregory would not have made such a point about the importance of separating merchant content. Gregory clearly teaches against a Commerce Server that could do the entire job.

#5: As stated in Column 12, Lines 4 - 6, the Common e-commerce server (which is the only common element across multiple merchants in the Invention) MUST BE separate from the Merchant Content Server (or storefront). In the invention of claim 27, there is no need for ANY separate merchant content servers at all. We have found a non-obvious way to improve on the Gregory approach by removing the need for our merchants to even have a web site and if they do have a web site there is no need for them to connect it up to our system or to pass us any information

about what consumers may do when they interact with that web site (as DiAngelo requires). Gregory requires, as stated in Column 2, Lines 25 - 28, that the "separate merchant content servers" be present to provide the "detailed merchant content." It is clear that Gregory requires the Merchant Content Server's "detailed product content" because Gregory only stores, as stated in Column 5, Lines 14 - 20, "brief abstract representations" ... "sufficient to enable a user to make an informed decision as to whether or not it is worth their time to SEEK additional information from the appropriate content server" vs. providing enough information to make a BUYING decision. In fact, in Gregory the commerce server never shows a Product Page with a Buy This button -- this task is reserved for the Merchant Content Server.

#6: As a nonlimiting example, Gregory would need to make at least some of the following changes to rectify its deficiencies.

6.1: the full detailed product information sufficient to make a buying decision would need to be stored at the Commerce Server -- Gregory teaches the opposite.

6.2: the Commerce Server would be required to serve up the Detail Product Content and Buying Pages (i.e., Fig. 13) -- vs. Gregory specifically requiring a link-off to the Merchant Content Server to see this.

6.3: the Commerce Server, in addition to showing the Buy This and Make Purchases buttons, would need to add a step that is not explained whereby the Two Step Buy This and Make Purchases choices are clearly described as working across products from multiple merchants -- vs. the one merchant at a time checkout process that is envisioned in Gregory (see Column 8, Lines 50 - 67).

6.4: a Key Missing Figure of the Shopping Cart showing a list of Buy This products that could be shown to the user would need to be added to the patent -- vs. the complete silence as to how the user sees what their accumulated Buy This products are.

6.5: a Key Series of Missing Figures relating to a Multi-Vendor checkout process would need to be shown where the user makes choices regarding Bill-To/Ship-To addresses, shipping method for each product/merchant, distinct credit cards for each merchant for when they entire order includes products from multiple merchants who don't all support the same payment method, etc. --

vs. the complete silence as to even the concept that the user could seamlessly checkout across multiple merchants via a single process.

6.6: a Key Missing Figure of the combined invoice showing products from multiple merchants via a single Proceed to Checkout and Submit Order button would need to be shown -- vs. the complete silence as to even the desirability of offering a multi-vendor checkout process.

DIANGELO FAILS TO RECTIFY THE DEFICIENCIES OF GREGORY

Applicants fail to see where the DiAngelo reference rectifies the deficiencies of the Gregory reference. DiAngelo states that at a given time, after all Web sites have been visited and the information gathered, the transaction information (as originally collected and/or as filtered, updated or enhanced) is then used to effect a purchase of given products and services. In particular, an actual purchase preferably is effected by re-establishing a connection between the client and a given one of the plurality of servers. The purchase transaction is then completed from the given server. (Col. 3, lines 4-12). DiAngelo discloses gathering information from multiple heterogeneous websites. In particular, it is envisioned that the inventive on-line shopping method of DiAngelo involves the user traversing two or more heterogeneous web sites and collecting transaction information from these disparate sites. A pair of web sites may be deemed "heterogeneous" if they are under the management and control of unrelated parties or merchants. (Col. 7, lines 62-67). The DiAngelo may be used to collect of transaction information from multiple sites controlled by a single entity.

None of the above by DiAngelo, however, shows or suggest for example one website that allows consumers to buy products from multiple vendors without having to leave the one website to view detailed product information from different vendors and without having to enter another vendor website to add products from different vendors into the universal shopping cart. As another example, Applicant fails to see where DiAngelo discloses one website that has a checkout process enabling the consumer to submit one order containing products from multiple vendors and placed in said universal shopping cart.

In summary, the fact that it is common in the prior art for individual stores to support a shopping cart and that DiAngelo envisions a parallel Universal Cart that rides alongside a numerous set of merchants' own websites does not make it obvious at all how to change Gregory to support all

the elements of a Multi-Vendor, Virtual Inventory, OneCart Checkout Process. In fact, such knowledge might have made it less likely to come up with the claimed approach that avoided the need for ANY LINK-OFF or REFERENCE TO other web-sites because these two inventions focus exclusively on connecting merchants who already have web sites. The necessity that fostered our non-obvious approach is that we were inventing our Multi-Vendor, Virtual Inventory, OneCart approach when most of our desired catalog merchants and retail store owners didn't yet have a web site that showed their products for sale. In our opinion, no one trained in the art and aware of Gregory and DiAngelo would have applied their inventions which require the consumer to Link-Off to a merchant's web site to one of the key elements to the problem that our invention was solving.

Accordingly, neither Gregory nor Gregory with DiAngelo show or suggest all elements of the claimed invention. Furthermore, DiAngelo could not be combined with Gregory since DiAngelo's universal shopping cart sends data back to the individual merchant sites, which in Gregory as merely content sites without the ability to process any orders. This would be impermissible per MPEP § 2143.01 where the proposed modification cannot render the prior art unsatisfactory for its intended purpose or change the principle of operation of a reference. Accordingly, Claim 27 and its dependent claims are in condition for allowance.

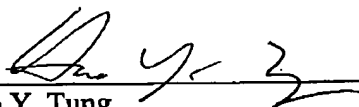
Additionally, new claims show features not shown or suggested by Gregory or DiAngelo. By way of example and not limitation, Claim 34 recites a server-side persistent storage structure not shown or suggested in the art. The references fail to show a Multi-Vendor CPU that calculates the invoice and creates the shipping bill for the items checked out. The references fail to show a Multi-Vendor checkout process that allows the user to make choices regarding Bill-To/Ship-To addresses, shipping method for each product/merchant, and distinct credit cards for each merchant for when the entire order includes products from multiple merchants who do not all support the same payment method. The references do not show submitting one order containing products from multiple vendors while the customer can preview and then receive a single combined order form with separate, distinct invoices showing subtotals for each of the multiple vendors. Accordingly, new claims 34 through 38 are also allowable over the cited references.

CONCLUSION

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at telephone number (650) 324-7000.

Respectfully submitted,

Date: July 8, 2005


Hao Y. Tung
Reg. No. 43,209

HELLER EHRMAN WHITE & McAULIFFE LLP
Customer No. 25213
275 Middlefield Road
Menlo Park, California 94025
Telephone: (650) 324-7000
Facsimile: (650) 324-0638